

REMARKS

The present application was filed on December 4, 2000 with claims 1-27. Claims 6, 7, 14-17, 20, 23, 24, and 28 have been canceled without prejudice. Claims 1-5, 8-13, 18, 19, 21, 22, and 25-27 are pending in the present application and claims 1, 11, and 18 are the pending independent claims.

In the outstanding Office Action dated April 9, 2007, the Examiner: (i) objected to claims 1-5, 8-13, 18, 19, 21, 22, and 25-27 due to form of independent claims 1, 11, and 18; (ii) rejected claims 1-3, 5, 8, 10, 11, 13, 18, 19, 22, 25, and 27 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,473,778 to Gibbon (hereinafter "Gibbon") in view of U.S. Patent No. 6,654,030 to Hui (hereinafter "Hui"), and further in view of U.S. Patent No. 6,397,219 to Mills (hereinafter "Mills"); (iii) rejected claims 4, 12, and 21 under 35 U.S.C. §103(a) as being unpatentable over Gibbon in view of Hui and Mills, and further in view of U.S. Patent No. 4,570,221 to Martens (hereinafter "Martens"); (iv) rejected claims 9 and 26 under 35 U.S.C. §103(a) as being unpatentable over Gibbon in view of Hui and Mills, and further in view of U.S. Patent No. 6,317,151 to Ohsuga et al. (hereinafter "Ohsuga").

Applicants respectfully request reconsideration of the present application in view of the foregoing amendments and the following remarks.

With regard to the objection to independent claims 1-5, 8-13, 18, 19, 21, 22, and 25-27 due to form, Applicants have amended independent claims 1, 11, and 18. Applicants have removed the additional periods and removed any additional "and"s. In light of these amendments, Applicants respectfully request withdrawal of the objection to claims 1-5, 8-13, 18, 19, 21, 22, and 25-27.

With regard to the various §103 rejections, Applicants initially note that a proper case of obviousness has not been presented if the references, when combined, do not teach or suggest all the claim limitations. Furthermore, the claimed subject matter is not obvious if there is no suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to combine the references or to modify the reference teachings. An analysis supporting a rejection under 35 U.S.C. §103 should be explicit and should not be based on mere conclusory statements. *See KSR v. Teleflex*, 127 S.Ct. 1727, 1741, 82 USPQ2d 1385, 1396 (U.S.,

Apr. 30, 2007), quoting *In re Kahn*, 441 F.3d 977, 988 (Fed. Cir. 2006) (“[R]ejections on obviousness grounds cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness.”).

With regard to the rejection of claims 1-3, 5, 8, 10, 11, 13, 18, 19, 22, 25, and 27 under 35 U.S.C. §103(a) as being unpatentable over Gibbon in view of Hui, and further in view of Mills, Applicants have amended independent claims 1, 11, and 18 to clarify the subject matter covered by the recited claims. Further, Applicants respectfully assert that the cited combination fails to establish a case of obviousness.

Independent claim 1, as amended, recites a method of processing rich media content. A plurality of diverse rich media content is combined into a single multimedia content file for use as a first input to an authoring tool. An XML-based textual specification is created for use as a second input to the authoring tool. The XML-based textual specification comprises user-specified vocabulary that defines one or more of the plurality of diverse rich media content and relationships between two or more of the plurality of diverse rich media content. The single multimedia content file and the XML-based textual specification are combined in accordance with the user-specified vocabulary using the authoring tool to create a composed multimedia content file for execution on a multimedia player. The composed multimedia content file is combinable with at least one of an additional XML-based textual specification and an additional graphical edit of the plurality of diverse rich media contents. The plurality of diverse rich media content is edited using a graphical authoring tool. A second XML-based textual specification file is created for the graphically edited rich media content. The composed multimedia content file and the second XML-based textual specification are stored for access by one or more content creators. Support for the amendments can be found in page 6, line 18, to page 7, line 7 of the Specification. Independent claims 11 and 18 recite similar limitations.

In an illustrative embodiment, a Multi Media Vehicle Repository (MVR) file composed of Rich Media Content is combined with XML-based text to form a XML based MVR file (MVR-

XML). Specification, page 2 line 17, to page 3, line 15. The MVR-XML file may be readily altered by modifying the textual specification for the file using any text editor and authoring tool. *Id.*

Applicants assert that the combined teaching of Gibbon, Hui, and Mills fail to render the recited claims obvious. First, Gibbons discloses a method for converting closed captioned video programs into hypermedia documents. Gibbons, col. 2, lines 46-53. Gibbons does not disclose a method of processing rich media content, rather, Gibbons is simply taking conventional transcriptions of television programs and creating hypermedia documents. Further, as conceded by the Examiner, Gibbons does not teach XML based textual specification. It follows that Gibbons does not teach or suggest the combining of XML based textual specifications with a single multimedia content file composed of a plurality of diverse rich media content.

The Examiner argues, however, that Hui teaches that an XML-based media description file was known in the pertinent art at the time of applicant's invention; therefore, the Examiner argues that it would have been obvious to modify Gibbon's disclosed system to incorporate the teachings of Hui by using the XML-based format instead of using the HTML format. Office Action, pg. 3, section 6. Applicants respectfully assert that Hui fails to remedy the deficient teaching of Gibbon. Applicants respectfully assert that Hui discloses a method of providing XML-based markers that allow navigation into a synchronized multimedia presentation, "such that the user is able to begin the multimedia presentation commencing from any of plural pre-defined text-based entry points." Hui, col. 1, lines 55-60; Abstract; and FIGs. 6A, 6B, 6C. Regardless of the fact that XML may have been known at the time of the invention, Hui does not teach or suggest the use of XML-based textual specification as disclosed in the claims, rather, Hui simply tags points in a multimedia presentation so a user can navigate to different points in the presentation. Applicants contend that the claims recite XML based text used in combination with rich media content, which is not described in Hui. Since Hui does not teach rich media content, it follows that Hui does not teach a plurality of diverse rich media content and combining the content into a single multimedia content file. Furthermore, Hui does not disclose user-specified vocabulary defining one or more of a plurality of diverse rich media content and relationships between two or more of the plurality of diverse rich media content.

The Examiner concedes that neither Hui nor Gibbon teach editing the plurality of diverse rich media content using a graphical authoring tool. However, the Examiner argues that Mills discloses that a graphical authoring tool was known in the pertinent art, at the time of the invention. Office Action, pg. 4, second paragraph. Applicants respectfully assert that Mills fails to remedy the deficient teaching of Gibbon and Hui. The fact that a graphical authoring tool may have been known at the time of the invention does not automatically create a case for obviousness. Applicants assert that the claim limitations of the recited claims are not obvious in light of Gibbon, Hui, and Mills. The claims recite the combining of an XML based textual specification and a multimedia content file composed of a plurality of diverse rich media content. The combining step results in a composed multimedia content file. Applicants have further amended the claims in order to point out the distinguishing qualities of the composed multimedia content file. The claims now recite that the composed multimedia content file is combinable with at least one of an additional XML-based textual specification and an additional graphical edit of the plurality of diverse rich media contents. Applicants assert that the cited references do not teach or suggest a composed multimedia content file that is combinable with an additional XML-based textual specification and/or an additional graphical edit.

The combined teaching of Gibbon, Hui, and Mills fail to render the recited claims obvious because the cited references do not teach or suggest all the claim limitations. Furthermore, there is no suggestion or motivation to combine the cited references because the references do not clearly show a plausible connection that would have been obvious to one having ordinary skill in the art.

For at least these reasons, independent claims 1, 11, and 18 are not obvious in light of the combined references. It follows that dependent claims 2, 3, 5, 8, 10, 13, 19, 22, 25, and 27 are patentable at least by virtue of their respective dependency from independent claims 1, 11 and 18. Accordingly, withdrawal of the rejection of claims 1-3, 5, 8, 10, 11, 13, 18, 19, 22, 25, and 27 under 35 U.S.C. §103(a) is therefore respectfully requested.

With regard to the rejection of claims 4, 9, 12, 21, and 26 under 35 U.S.C. §103(a) as being unpatentable over Gibbon, Hui, and Mills, further in view of an additional reference, Applicants

assert that such claims are patentable for at least the reason described above with regard to Gibbon, Hui, and Mills. The combination of Gibbon, Hui, Mills, and the additional references fail to disclose, suggest, or render obvious the recited claims. More specifically, the cited references fail to teach or suggest the processing of rich media content where a plurality of rich media content, combined into a single multimedia content file, and an XML-based textual specification are combined to create a composed multimedia content file. The composed multimedia content file being combinable with at least one of an additional XML-based textual specification and an additional graphical edit of the plurality of diverse rich media contents.

Applicants respectfully submit that the Examiner appears to be engaging in a hindsight-based piecemeal analysis. *See, e.g., Princeton Biochemicals, Inc. v. Beckman Coulter, Inc.*, 411 F.3d 1332, 1337, 75 USPQ2d 1051, 1054 (Fed. Cir. 2005) (“[I]n making the assessment of differences between the prior art and the claimed subject matter, section 103 specifically requires consideration of the claimed invention ‘as a whole.’ . . . Without this important requirement, an obviousness assessment might successfully break an invention into its component parts, then find a prior art reference corresponding to each component. This line of reasoning would import hindsight into the obviousness determination by using the invention as a roadmap to find its prior art components.”); *Ruiz v. A.B. Chance Co.*, 357 F.3d 1270, 1275, 69 USPQ2d 1686, 1690 (Fed. Cir. 2004) (“The ‘as a whole’ instruction in [35 U.S.C. §103(a)] prevents evaluation of the invention part by part. Without this important requirement, an obviousness assessment might break an invention into its component parts (A + B + C), then find a prior art reference containing A, another containing B, and another containing C, and on that basis alone declare the invention obvious. . . . Section 103 precludes this hindsight discounting of the value of new combinations by requiring assessment of the invention as a whole.”). Therefore, Applicants respectfully request that the Examiner reconsider the §103 rejections.

For at least these reasons, withdrawal of the rejections of claims 4, 9, 12, 21, and 26 under 35 U.S.C. §103(a) is therefore respectfully requested.

In view of the above, Applicants believe that claims 1-5, 8-13, 18, 19, 21, 22, and 25-27 are in condition for allowance, and respectfully request withdrawal of the objection and §103(a) rejections.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "William E. Lewis". The signature is fluid and cursive, with the first name "William" being more prominent and the last name "Lewis" following in a similar style.

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